IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16823 of 2004

Between:

Polisetty Veera Brahmam S/o. Mavullaiah,Secretary,M/S.taderu Large Sized Coop.Credit Society Ltd., aderu, Bhimavaram mandal,
R/o. Nacha Appa RaoThota, Gunupudi, Bhimavaram,W.G.District.

..... PETITIONER

AND

1 The Joint Registrar/District Co.Operative Officer, W.G.District, Eluru. West Godavari District.
2 The Divisional Co. Operative Officer, Bhimavaram, W.G.District.
3 The Taderu Large Sized Co. Operative Credit Society Ltd., regd. No. 4415, Taderu, rep. by its Person-in-charge, Bhimavaram. W.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue order or orders, direction or directions, writ or writs, particularly one in the nature of Writ of Mandamus and declare the action of the 3rd respondent in suspending the petitioner is illegal, arbitrary and against the provisions of special Bye-laws, relating to service conditions of employees of Credit Co.Operative societies and violative of Article 20(2) of the Constitution of India, consequently set aside the suspension orders dt. 30.6.2004 of the 3rd respondent and continue the petitioner in the service.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondent Nos.1 & 2: GP FOR COOPERATION

Counsel for the Respondent No.3: None appeared.

The Court at the stage of admission, made the following :

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ORAL ORDER

The petitioner is working as a Secretary in the 3rd respondent-Society. In the year 2002, he was kept under suspension through the proceedings dated 14-03-2002 pending disciplinary proceedings against the petitioner on the allegation of misappropriation of society funds to a tune of Rs.6 lakhs. A crime was also registered against the petitioner under Sections.406,409,420,468 read with 34 of I.P.C. During pendency of the inquiry, the order of suspension of the petitioner was revoked through the proceedings dated 20-01-2003 and the petitioner was taken back to service. Subsequently, the police apprehended the petitioner in Cr.No.55 of 2002 on 20-06-2004 and he was in custody of police as well as judicial till 29-06-2004. The 3rd respondent on the information received from the Station House Officer that the petitioner was arrested and sent to judicial custody, suspended the petitioner once again on 30-06-2004 on the ground that he was in judicial custody for more than 48 hours. On the same allegation he was previously suspended and the suspension order was revoked on account of the delay caused in proceeding with the inquiry ordered against the petitioner. Since the petitioner suffered the suspension for more than six months regarding the same allegation, the suspension of the petitioner through the impugned order can not be sustained. Therefore, there is no need to continue the suspension of the petitioner on the ground of his arrest. The 3rd respondent is, therefore, directed to revoke the order of the suspension of the petitioner dated 30-06-2004 immediately. However, this order will not preclude the respondents from proceeding with the inquiry, if any, pending against the petitioner and to pass appropriate orders as per the rules.

Accordingly, the writ petition is disposed of. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 29th October, 2004.

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TO

1 The Joint Registrar/District Co.Operative Officer, W.G.District, Eluru. West Godavari District.
2 The Divisional Co. Operative Officer, Bhimavaram, W.G.District.

3. The Person-in-Charge, The Taderu Large Sized Co. Operative Credit Society Ltd., regd. No. 4415, Taderu,Bhimavaram.

4. Two CCs to G.P for Cooperation,High Court buildings, High Court of A.P.Hyderabad(OUT)

5. Two C.D.Copies